

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 21-CR-0173(1) (PJS/DTS)

Plaintiff,

v.

ORDER

ANTON JOSEPH LAZZARO,

Defendant.

Defendant Anton Lazzaro is charged with conspiracy to commit sex trafficking of minors and other related offenses. This matter is before the Court on Lazzaro's objection to Magistrate Judge David T. Schultz's March 11, 2022 order denying Lazzaro's motion for a continuance of the hearing on Lazzaro's pretrial motions.

A magistrate judge's ruling on nondispositive motions may be reversed only if it is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Crim. P. 59(a). Having reviewed Judge Schultz's order, the Court finds nothing clearly erroneous or contrary to law. The order is therefore affirmed.

Lazzaro was indicted on August 11, 2021. ECF No. 1. His pretrial motions were originally due on September 14 and the hearing on such motions was scheduled for October 7—more than five months ago. ECF No. 23. Judge Schultz first extended these deadlines after Lazzaro sought an extension of his Fed. R. Crim. P. 16 disclosure deadline. ECF No. 46. Lazzaro thereafter sought and obtained two extensions of the

motion-filing and hearing dates, ECF Nos. 62, 85, as well as another extension of the motion-filing date, ECF No. 121. The final order set January 14 as the deadline for motions and scheduled the hearing for February 17. ECF No. 121.

Lazzaro filed his motions on January 14, ECF Nos. 122–29, 132–33, and the government filed its response on January 28, ECF No. 138. A week later, though, Lazzaro discharged three of his five lawyers. ECF No. 141–42. (Lazzaro had earlier terminated a sixth lawyer. ECF No. 89.) Shortly thereafter, Lazzaro sought a continuance of the motions-hearing date until March 21 so that he could secure new lead counsel. ECF No. 146. Judge Schultz granted the motion over the government’s objection and continued the hearing until March 24. ECF No. 150.

Lazzaro then retained two additional lawyers, who moved for admission pro hac vice on March 1. ECF Nos. 157–58. Lazzaro has since retained three additional attorneys. ECF Nos. 166–68. Thus, at present, Mr. Lazzaro is represented by seven attorneys—one of whom has represented him since September and one of whom has represented him since October. On March 10, Lazzaro’s new counsel sought another continuance of the March 24 hearing date, which Judge Schultz denied. ECF Nos. 160, 162.

As this history demonstrates, Lazzaro has had ample time to prepare for the March 24 hearing on his pretrial motions. The motions have been fully briefed since

January¹ and Lazzaro had nearly seven weeks to secure new counsel after he discharged the three attorneys. Moreover, Lazzaro continues to be represented by two attorneys who have represented him for many months, ECF Nos. 41, 70, which should facilitate his new counsel's ability to familiarize themselves with the motions that must be argued on March 24.

As Judge Schultz acted well within his discretion in denying Lazzaro's fourth motion to continue the hearing date, the order is affirmed.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT defendant Anton Lazzaro's objection [ECF No. 171] is OVERRULED and Judge Schultz's March 11, 2022 order [ECF No. 162] is AFFIRMED.

Dated: March 21, 2022

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge

¹Lazzaro discharged the three attorneys the day before his reply briefs were due. ECF No. 141. Although two of those attorneys were prepared to meet that deadline, Lazzaro instructed them to take no further action and denied them permission to seek an extension on his behalf. ECF No. 141.